

CHAPTER NO. 825

HOUSE BILL NO. 3116

By Representatives Head, Kisber

Substituted for: Senate Bill No. 3135

By Senator Clabough

AN ACT to amend Tennessee Code Annotated, Title 3; Title 4; Title 5; Title 6; Title 7; Title 8; Title 9; Title 12; Title 13; Title 16; Title 30; Title 36; Title 39; Title 40; Title 45; Title 47; Title 48; Title 49; Title 54; Title 55; Title 56; Title 57; Title 61; Title 62; Title 67; Title 68; Title 69; Title 70 and Title 71, relative to public finances. This act makes appropriations for the purposes of funding state government for the fiscal years beginning July 1, 2001 and July 1, 2002.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1.

(a) Notwithstanding any provision of law to the contrary, subject to the specific provisions of an appropriations act, the commissioner of finance and administration is authorized to deny carryforwards for, and to transfer funds from, the funds, reserve accounts or programs identified in subsection (c) to the state general fund for the sole purpose of meeting the requirements of funding the operations of state government for the fiscal year ending June 30, 2002. The authorization provided for in the preceding sentence shall not apply to allow the transfer of any fund balances which are mandated by federal law to be retained in such fund. This authority shall not extend beyond transfers and denials of carryforwards necessary to close the fiscal year ending June 30, 2002. The appropriations bill shall establish a plan for the restoration of those portions of the funds authorized to be used under the provisions of this act to close out the 2001-2002 fiscal year which the general assembly intends to restore in the future. It is the further legislative intent that, in so far as possible, the amount of withdrawal or transfer of fund balances should not be done at such a level or in such an amount to imperil or disrupt the operation of any program from which funds are transferred.

(b) No funds shall be transferred unless specifically appropriated in an appropriations act and such funds shall only be expended in accordance with the provisions of such act.

(c) Transfers are authorized from the following funds, reserve accounts, and programs:

(1) Tennessee Housing Development Authority assets fund created or referenced in title 13, chapter 23, part 4;

(2) Criminal injuries compensation fund created or referenced in title 40, chapter 24, part 1;

(3) Parole and probation supervision and rehabilitation accumulated fees created or referenced in title 40, chapter 28, part 2;

(4) Department of correction work release supervision and rehabilitation accumulated fees created or referenced in title 40, chapter 28, part 2;

(5) Temporary assistance for needy families Families First program created or referenced in title 71, chapter 3, part 1;

(6) Department of safety computerized titling and registration system accumulated fees created or referenced in title 55, chapter 4, part 1;

(7) Wetland acquisition fund created or referenced in title 67, chapter 4, part 4;

(8) Wetland compensation fund created or referenced in title 11, chapter 14, part 4;

(9) Local parks land acquisition fund created or referenced in title 67, chapter 4, part 4;

(10) State lands acquisition fund created or referenced in title 67, chapter 4, part 4;

(11) State lands compensation fund created or referenced in title 11, chapter 14, part 4;

(12) Agriculture resources conservation fund created or referenced in title 67, chapter 4, part 4;

(13) Alcohol and drug addiction treatment fund created or referenced in title 40, chapter 33, part 2;

(14) Traumatic brain injury fund created or referenced in title 68, chapter 55, part 4;

(15) Finance and administration electronic fingerprint imaging systems fund created or referenced in title 67, chapter 4, part 6;

(16) Tennessee bureau of investigation finger print criminal history data base accumulated fees created or referenced in title 39, chapter 17, part 13;

(17) Tennessee bureau of investigation expunged criminal offender and pretrial diversion data base accumulated fees created or referenced in title 38, chapter 6, part 1 and title 40, chapter 32, part 1;

(18) Department of safety driver education fund created or referenced in title 67, chapter 4, part 6;

(19) Department of education driver education fund created or referenced in title 67, chapter 4, part 6;

(20) Motorcycle rider safety fund created or referenced in title 55, chapter 51, part 1;

(21) Sex offender treatment program created or referenced in title 39, chapter 13, part 7;

(22) Industries for the blind fund created or referenced in title 71, chapter 4, part 4;

(23) Voting machines loan fund created or referenced in title 2, chapter 9, part 1;

(24) Domestic violence community education fund created or referenced in title 36, chapter 3, part 6;

(25) Tennessee judicial information system fund created or referenced in title 16, chapter 3, part 8;

(26) Tennessee advisory commission on intergovernmental relations accumulated balances or carryover funds created or referenced in title 4, chapter 10, part 1;

(27) Safe schools program created or referenced in title 49, chapter 6, part 43;

(28) Special schools created or referenced in title 49, chapter 50, part 10;

(29) Notwithstanding § 54-2-102, § 54-2-103 or any other provision of law to the contrary, department of transportation funds in the highway fund, or other funds, created or referenced in titles 54, 55, 65 and 67;

(30) Fraud and economic crimes fund created or referenced in title 40, chapter 3, part 2;

(31) Emergency communications fund created or referenced in title 7, chapter 86, part 1;

(32) Deferred revenue account created or referenced in title 65, chapter 1, part 2, and any other reserve fund maintained by the Tennessee regulatory authority;

(33) Wildlife resources fund created or referenced in title 70, chapter 1, part 4; and

(34) Wildlife management endowment fund created or referenced in title 70, chapter 1, part 5.

SECTION 2. Tennessee Code Annotated, Title 8, Chapter 42, is amended by adding the following new section:

Section _____. Notwithstanding any provision of this chapter or other law to the contrary, during any period of time in which a general appropriations act funding the state government is not in effect, if a state employee as defined in this chapter is performing the duties of a state employee without compensation due to the absence of a general appropriations act, then such employee shall remain a state employee for purposes of Tennessee Code Annotated, Section 9-8-307 and this chapter. Such employee shall also be eligible for workers' compensation benefits during any such uncompensated period of employment.


SECTION 3. This act shall take effect upon becoming law, the public welfare requiring it, and shall be repealed on January 1, 2003, the public welfare requiring it.

PASSED: June 27, 2002


JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES


JOHN S. WILDER
SPEAKER OF THE SENATE

APPROVED this 28th day of June 2002


DON SUNDQUIST, GOVERNOR